

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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POWERTECH ASSOCIATION LLC,

Plaintiff,

- against -

TAIWAN SUMIDA ELECTRONICS  
INC., SUMIDA ELECTRONIC  
COMPONENTS CO., LTD., and  
SUMIDA AMERICA COMPONENTS,  
INC.,

Defendants.

U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF NEW YORK

Civil Action No.

4391

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Powertech Association LLC files this Complaint and demand for jury trial seeking relief for patent infringement by the Defendants. Powertech Association LLC states and alleges the following:

**THE PARTIES**

1. Plaintiff Powertech Association LLC ("Powertech") is a limited liability company organized and existing under the laws of the state of Delaware.

2. On information and belief, Defendant Sumida Electronic Components Co., Ltd. ("SECC") is a corporation organized under the laws of Japan with its principal place of business at Asahi Building, 3-12-2, Nihonbashi, Chuo-ku, Tokyo, Japan, 103-8259, but doing business throughout this judicial district and around the world. On information and belief, SECC is a wholly-owned subsidiary of Sumida Corporation, which is a corporation organized under the laws of Japan with its principal place of business at 1-6-6, Yaesu, Cheo-ku, Tokyo 103-8589, Japan.

3. On information and belief, Defendant Sumida America Components, Inc. (“SACI”) is a corporation organized under the laws of the state of Delaware with its principal place of business at 203 N. LaSalle Street, Suite 2500, Chicago, Illinois 60601-1262, but doing business throughout this judicial district and around the world. On information and belief, SACI is the successor in interest of Sumida America Inc., which was organized under the laws of the state of Delaware and dissolved on or about December 31, 2008. On information and belief, SACI is a wholly-owned subsidiary of SECC.

4. On information and belief, Defendant Taiwan Sumida Electronics Inc. (“TSEI”) is a corporation organized under the laws of Taiwan with its principal place of business at 19F., No. 96, Sec. 1, Xintai 5th Road, Xizhi City, Taiwan, but doing business throughout this judicial district and around the world. On information and belief, prior to January 2008, TSEI was a wholly-owned subsidiary of SECC, but on or about mid-January 2008, SECC transferred its interest in TSEI to a new company it jointly set up with an investment fund called Asia Pacific Growth Fund V, L.P. (“Asia Pacific”), which is managed by H&Q Asia Pacific (“H&QAP”) having a principal place of business at 400 Hamilton Avenue, Suite 250, Palo Alto, California 94301. On information and belief, this new company is called Sunrise Co., Ltd., and SECC has a minority interest of 14.9% of the shareholding and Asia Pacific has a majority interest of 85.1% of the shareholding in Sunrise Co., Ltd.

#### **JURISDICTION AND VENUE**

5. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a) because the action concerns a federal question arising under the laws of the United States, including 35 U.S.C. § 271 *et seq.*

6. The Court has personal jurisdiction over Defendants TSEI, SECC and SACI because, upon information and belief, each has established minimum contacts with this judicial district (and the United States) by, *e.g.*, committing acts of infringement in this judicial district (and throughout the United States). Upon information and belief, each Defendant has placed infringing products into the stream of commerce by shipping those products into this judicial district (and other judicial districts) or knowing that such products would be shipped into this judicial district (and other judicial districts).

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), (c), (d) and 1400(b). Defendants TSEI and SECC are subject to personal jurisdiction and are aliens subject to suit in this judicial district. Defendant SACI is subject to personal jurisdiction in this judicial district.

**FIRST CLAIM FOR RELIEF**  
**INFRINGEMENT OF US PATENT NO. 6,979,959**

8. Powertech restates and realleges paragraphs 1-7 of this Complaint.

9. On December 27, 2005, United States Patent No. 6,979,959 (“the ’959 patent”) entitled “Apparatus and method for striking a fluorescent lamp” was duly and legally issued by the United States Patent and Trademark Office. Powertech is the owner of the ’959 patent by assignment of all right, title, and interest. A true and correct copy of the ’959 patent is attached as Exhibit A.

10. Defendant TSEI, SECC and SACI have infringed and continue to infringe directly and/or indirectly, literally and/or under the doctrine of equivalents, one or more claims of the ’959 patent under 35 U.S.C. § 271, by making, using, selling, and/or offering to sell within and/or importing into the United States, including this judicial district, inverter circuit boards incorporating O2 Micro International Ltd and/or O2 Micro Inc.’s integrated circuits, such as

OZ964, OZ9RR, OZ9925, OZ9936, OZ9910 and OZ9938 product families of inverter controllers. Such inverter circuit boards include but not are not limited to the Sumida IV10117/T-LF.

11. Powertech has been damaged and has suffered irreparable injury due to Defendants' unlawful infringement of the '959 patent, and Powertech will continue to suffer irreparable harm and damages unless Defendants' activities are enjoined.

**SECOND CLAIM FOR RELIEF**  
**INFRINGEMENT OF US PATENT NO. 7,279,852**

12. Powertech restates and realleges paragraphs 1-11 of this Complaint.

13. On October 9, 2007, United States Patent No. 7,279,852 ("the '852 patent") entitled "Apparatus and method for striking a fluorescent lamp" was duly and legally issued by the United States Patent and Trademark Office. Powertech is the owner of the '852 patent by assignment of all right, title, and interest. A true and correct copy of the '852 patent is attached as Exhibit B.

14. Defendants TSEI, SECC and SACI have infringed and continue to infringe directly and/or indirectly, literally and/or under the doctrine of equivalents, one or more claims of the '852 patent under 35 U.S.C. § 271, by making, using, selling, and/or offering to sell within and/or importing into the United States, including this judicial district, inverter circuit boards incorporating O2 Micro International Ltd and/or O2 Micro Inc.'s integrated circuits, such as OZ964, OZ9RR, OZ9925, OZ9936, OZ9910 and OZ9938 product families of inverter controllers. Such inverter circuit boards include but not are not limited to the Sumida IV10117/T-LF.

15. Powertech has been damaged and has suffered irreparable injury due to Defendants' unlawful infringement of the '852 patent, and Powertech will continue to suffer irreparable harm and damages unless Defendants' activities are enjoined.

**THIRD CLAIM FOR RELIEF**  
**INFRINGEMENT OF US PATENT NO. 7,411,360**

16. Powertech restates and realleges paragraphs 1-15 of this Complaint.

17. On August 12, 2008, United States Patent No. 7,411,360 ("the '360 patent") entitled "Apparatus and method for striking a fluorescent lamp" was duly and legally issued by the United States Patent and Trademark Office. Powertech is the owner of the '360 patent by assignment of all right, title, and interest. A true and correct copy of the '360 patent is attached as Exhibit C.

18. Defendants TSEI, SECC and SACI have infringed and continue to infringe directly and/or indirectly, literally and/or under the doctrine of equivalents, one or more claims of the '360 patent under 35 U.S.C. § 271, by making, using, selling, and/or offering to sell within and/or importing into the United States, including this judicial district, inverter circuit boards incorporating O2 Micro International Ltd and/or O2 Micro Inc.'s integrated circuits, such as OZ964, OZ9RR, OZ9925, OZ9936, OZ9910 and OZ9938 product families of inverter controllers. Such inverter circuit boards include but are not limited to the Sumida IV10117/T-LF.

19. Powertech has been damaged and has suffered irreparable injury due to Defendants' unlawful infringement of the '360 patent, and Powertech will continue to suffer irreparable harm and damages unless Defendants' activities are enjoined.

**PRAYER FOR RELIEF**

WHEREFORE, Powertech respectfully requests that this Court enter judgment and provide relief as follows:

- (1) That Defendants have infringed the '959 patent, the '852 patent, and the '360 patent;
- (2) That Defendants and their officers, agents, servants, employees, and all persons in active concert or participation with them directly or indirectly, be enjoined from infringing the '959 patent, the '852 patent, and the '360 patent;
- (3) That Defendants be ordered to account for and pay to Powertech the damages resulting from Defendants' infringement of the '959 patent, the '852 patent, and the '360 patent, together with interest and costs, and all other damages permitted by 35 U.S.C. § 284, including enhanced damages up to three times the amount of damages found or measured;
- (4) That this action be adjudged an exceptional case and Powertech be awarded its attorneys' fees, expenses, and costs in this action pursuant to 35 U.S.C. § 285; and
- (5) That Powertech be awarded such other equitable or legal relief as this Court deems just and proper under the circumstances.

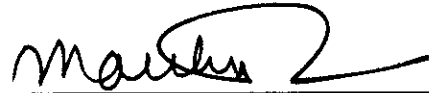
**JURY TRIAL DEMAND**

Powertech demands a trial by jury on all issues so triable.

Dated: October 13, 2009

FISH & RICHARDSON P.C.

By: \_\_\_\_\_



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